

LEYH ET AL.

"Multi-Mode Communications Device With  
Continuous Mode ..."

Atty. Docket No. CS11235

Appl. No. 10/027,650  
Examiner T. Ewart

Art Unit 2684

**REMARKS****Request for Reconsideration, Informal Matters, Claims Pending**

5           The non-final Office action mailed on 26 February 2003 has been considered carefully. Reconsideration of the claimed invention in view of the amendments above and the discussion below is respectfully requested.

10           The Applicants respectfully decline to adopt the Examiner proposed new title, which is unduly narrow. Moreover, the Examiner's reference to the definition for the term "multi-mode" in the fiber optics arts is generally inapplicable in the wireless radio telecommunications arts. U.S. Patent No. 5,737,703 to Byrne entitled "Multi-Mode Radio Telephone Which Executes Handover Between Different System" is an example of a multi-mode wireless radiotelephone that operates in different communications modes, i.e.,  
15           in GSM and DECT modes of operation. Generally, in the present inventions, multi-mode refers to the operation of different combinations of receiver(s) and/or transmitter(s) in a wireless communications device. The instant title references a preferred embodiment including both CDMA and TDM modes of operation, though the claimed inventions are not so limited. The term has  
20           been eliminated from at least some of the claims.

          Claims 2, 8, 9, 18 and 19 have been cancelled without prejudice.

          Claims 1, 3-7, 10-17 and 20-27 are pending.

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Summary of Claim Rejections

Claims 1, 2, 3, 8, 10, 15, 16 and 20 stand rejected under 35 USC 102  
as being anticipated by U.S. Patent No. 5,737,703 (Byrne). Official Action, 26  
5 February 2003, para. 2.

Claims 4 and 9 stand rejected under 35 USC 103 as being  
unpatentable over Byrne in view of U.S. Patent No. 6,246,675 (Beasley).  
Official Action, 26 February 2003, para. 3.

Claim 5 stands rejected under 35 USC 103 as being unpatentable  
10 over Byrne in view of U.S. Patent No. 5,995,065 (Kitchener). Official Action, 26  
February 2003, para. 4.

Claim 6 stands rejected under 35 USC 103 as being unpatentable  
over Byrne in view of Beasley and U.S. Patent No. 6,140,966 (Parkinaho).  
Official Action, 26 February 2003, para. 5.

Claim 7 stands rejected under 35 USC 103 as being unpatentable  
15 over Byrne in view of U.S. Patent No. 6,480,211 (Masri). Official Action, 26  
February 2003, para. 6.

Claims 11, 14, and 21 stand rejected under 35 USC 103 as being  
unpatentable over Byrne in view of U.S. Patent No. 6,324,409 (Schaffer).  
20 Official Action, 26 February 2003, para. 7.

Claims 12, 13, 18, 19 and 23 stand rejected under 35 USC 103 as  
being unpatentable over Byrne in view of Beasley and Schaffer. Official  
Action, 26 February 2003, para. 8.

Claims 17, and 22 stand rejected under 35 USC 103 as being  
25 unpatentable over Byrne in view of Schaffer. Official Action, 26 February 2003,  
para. 9.

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Discussion of Patentability of Claim 1

Regarding independent Claim 1, Byrne fails to disclose or suggest  
a wireless communications handset, comprising:

... a first antenna coupled to the first receiver;  
... a second antenna coupled to the second receiver,  
the first and second transmitters connectable to the same  
one of either of the first and second antennas.

Independent Claim 1 has been amended to include limitations of Claim 2 and  
at the same time has been broadened by the elimination of elements drawn to  
the operating mode. Claim 1 covers, among other structural configurations,  
the embodiment illustrated in FIG. 2 of the Leyh patent application, wherein  
transmitters TX1 and TX2 are connected or are connectable by switch (S1) to a  
common antenna (214), and wherein one receiver is coupled to antenna (210)  
and the other receiver is coupled to antenna (214).

In Byrne, the first and second transceivers (220, 231) are coupled  
to corresponding antennas (228, 238), respectively, or alternatively in Byrne  
both transceivers (220, 231) are coupled to the same antenna, i.e., antenna 228  
or antenna 238. Byrne, col. 5, lines 25-38. There is no suggestion in Byrne to  
connect both transmitters to the same "... same one of either of the first and  
second antennas." Claim 1 and the claims that depend therefrom are thus  
patentably distinguished over Byrne.

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Discussion of Patentability of Claim 3

Regarding Claim 3, dependent from Claim 1, Byrne fails to disclose or suggest "... first and second transmitters disconnectable from the same one of the first and second antennas" in combination with the limitations of Claim 1. Since Byrne does not suggest connecting plural transmitters to one antenna, when the associated receivers are coupled to different antennas, there is no suggestion in Byrne to disconnect the transmitters from the same antenna, as performed for example with switch (S1) illustrated in FIG. 2 of the instant Leyh patent application. Claim 3 is thus patentably distinguished over Byrne.

Discussion of Patentability of Claim 4

Regarding Claim 4, the Examiner impliedly contends that Byrne may be modified by combining the CDMA transceiver of Beasley with one or both of the GSM and DECT transceivers of Byrne. Contrary to the Examiner's assertion, Byrne and Beasley fail to disclose or suggest that "... the first receiver is a CDMA receiver, the first transmitter is a CDMA transmitter, the second receiver is a TDMA receiver, the second transmitter is a TDMA transmitter." Byrne is concerned with inhibiting sudden changes in audio signals during handover between a GSM cellular system and a DECT cordless phone system. There is no suggestion in the prior art to combine the CDMA system of Beasley with the multi-mode GSM/DECT phone of Byrne. Moreover, Claim 4 is allowable for the same reasons as Claim 1.

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Discussion of Patentability of Claim 5

Regarding Claim 5, contrary to the Examiner's assertion, Byrne and Kitchener fail to disclose or suggest "... the first antenna is an internal antenna, the first transmitter coupled to the second antenna, the second antenna is an external antenna" in combination with the limitations of Claim 1. Claim 5 is thus patentably distinguished over the art.

Discussion of Patentability of Claim 6

Regarding Claim 6, contrary to the Examiner's assertion, Byrne, Beasley and Pankinaho fail to disclose or suggest "... a switch coupling the first and second transmitters and the second receiver to the same one of the first and the second antennas." The Examiner's reliance on Pankinaho is misplaced. Pankinaho discloses a switch coupling receivers RX1 and RX2 to a receive antenna. Pankinaho does not disclose or suggest a switch coupling plural transmitters to the same antenna. Moreover, Pankinaho does not disclose or suggest one receiver coupled to one antenna and another receiver coupled to the other antenna to which the plural transmitters are connectable by the switch. Claim 6 is thus patentably distinguished over Byrne, Beasley and Pankinaho.

(Continued on the following page)

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Discussion of Patentability of Claim 7

Regarding Claim 7, contrary to the Examiner's assertion, Byrne and Kitchener fail to disclose or suggest "... a processor coupled to the first and second transceivers, a display and input/outputs coupled to the processor" in combination with the limitations of Claim 1. Claim 7 is thus patentably distinguished over the art.

Discussion of Patentability of Independent Claim 10

Independent Claim 10 has been amended to include limitations of dependent Claim 12 and broadened by eliminating structural limitations. Contrary to the Examiner's assertion, Byrne and Schaffer fail to disclose or suggest a method in a wireless communications device having first and second transceivers, comprising

... receiving an uncompressed CDMA signal with a first receiver of the first transceiver;

receiving a second signal with a second receiver of the second transceiver at the same time the first receiver is receiving the uncompressed CDMA signal.

Byrne discloses communicating GSM and DECT wireless protocols, rather than CDMA protocols. Schaffer discloses voice compression algorithms, and suggests that uncompressed coding may be used if quality is the only issue. Voice compression however is not that same as compressing CDMA data in the time domain. The voice compression algorithms of Schaffer remove redundant coding to reduce data. In continuous communications

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systems, e.g., CDMA, compression refers to the transmission of increased amounts of CDMA data within a specified time period to make time for other tasks, as discussed in the Background of the instant Leyh patent specification. There is no suggestion in the prior art to receive an uncompressed CDMA  
5 signal with a first receiver while receiving a second signal with a second receiver. Independent Claim 10 and the claims that depend therefrom are thus patentably distinguished over Byrne and Schaffer.

#### Discussion of Patentability of Claim 11

10 Regarding Claim 11, contrary to the Examiner's assertion, Byrne and Schaffer fail to disclose or suggest "... receiving the second signal with the second receiver operating in a non-continuous reception mode at the same time the first receiver is receiving the uncompressed CDMA signal" in  
15 combination with the limitations of Claim 10. As discussed above, there is no suggestion to combine the non-continuous GSM and TDD system protocols of Byrne with a continuous communications protocol, for example, CDMA. Claim 11 is also allowable for the same reasons as Claim 10.

#### Discussion of Patentability of Claim 12

20 Regarding Claim 12, contrary to the Examiner's assertion, Byrne Beasley and Schaffer fail to disclose or suggest "... the first receiver is CDMA receiver, the second receiver is a GSM receiver, receiving a downlink signal  
25 with the GSM receiver at the same time the CDMA receiver is receiving the uncompressed CDMA signal" in combination with the limitations of Claim 10.

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As discussed above, there is no suggestion to combine the non-continuous GSM and TDD system protocols of Byrne with a CDMA communications protocol. Claim 12 is also allowable for the same reasons as Claim 10.

5

### Discussion of Patentability of Claim 13

Regarding Claim 13, contrary to the Examiner's assertion, Byrne Beasley and Schaffer fail to disclose or suggest "... the first receiver is CDMA receiver, the second receiver is a TDMA receiver, receiving a downlink signal with the TDMA receiver at the same time the CDMA receiver is receiving the uncompressed CDMA signal" in combination with the limitations of Claim 10. As discussed above, there is no suggestion to combine the non-continuous GSM and TDMA system protocols of Byrne with the CDMA communications protocol of Beasley. Claim 13 is also allowable for the same reasons as Claim 10.

15

### Discussion of Patentability of Claim 14

Regarding Claim 14, contrary to the Examiner's assertion, Byrne and Schaffer fail to disclose or suggest "... receiving a second uncompressed downlink signal with the second receiver operating in a continuous reception mode at the same time the first receiver is receiving the uncompressed CDMA signal" in combination with the limitations of Claim 10. As discussed above, there is no suggestion to combine the non-continuous GSM and TDD system protocols of Byrne with a CDMA communications protocol. Claim 14 is also allowable for the same reasons as Claim 10.

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### Discussion of Patentability of Claim 15

Claim 15 has been amended to adopt limitations canceled from Claim 10. Contrary to the Examiner's assertion, Byrne fails to disclose or suggest "... the second receiver coupled to a second antenna different than the first antenna ... connecting the first transmitter and the second transmitter to the same one of the first and second antennas" in combination with the limitations of Claim 10. As noted above regarding Claim 1, Byrne connects the first and second transceivers to corresponding antennas or to the same antenna. Claim 15 is also allowable for the same reasons as Claim 10.

### Discussion of Patentability of Independent Claim 16

Independent Claim 16 has been broadened by eliminating functional limitations and the focus thereof has shifted to the operation of a receiver and transmitter of the same transceiver. Contrary to the Examiner's assertion, Byrne fails to disclose or suggest a method in a wireless communications device having first transceiver, comprising

... receiving a first signal with a first receiver of the first transceiver, the first receiver coupled to a first antenna;  
transmitting a second signal with a first transmitter of the first transceiver at the same time the first receiver is receiving the first signal,  
the first transmitter coupled to a second antenna different than the first antenna.

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5 In Byrne, the receiver and transmitter of either transceiver (221,  
231) are both connected to the same antenna for the case where both  
transceivers are coupled to the same antenna or to corresponding antennas.  
Claim 16 and the claims that depend therefrom are thus patentably  
distinguished over Byrne.

### Discussion of Patentability of Claim 17

10 Regarding Claim 17, contrary to the Examiner's assertion, Byrne  
and Schaffer fail to disclose or suggest "... receiving the first signal with the  
first receiver includes receiving an uncompressed CDMA downlink signal" in  
combination with the limitations of Claim 16, as discussed above in connection  
with Claim 10. Claim 17 is thus in condition for allowance.

### Discussion of Patentability of Independent Claim 20

15 Regarding independent Claim 20, contrary to the Examiner's  
assertion, Byrne fails to disclose or suggest a method in a wireless  
communications device having first and second transceivers, comprising

20 ... transmitting a first signal with a first transmitter of the  
first transceiver operating in a continuous transmission mode,  
the first transmitter coupled to a first antenna;  
receiving a second signal with a second receiver of the  
25 second transceiver at the same time the first transmitter is  
transmitting the first signal,  
the second receiver coupled to a second antenna different  
than the first antenna.

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As noted, Byrne discloses a multi-mode communication device uses GSM and TDD protocols, which employ burst transmission rather than "...continuous mode transmission mode ..." operation. Also, there is no motivation in the cited references to combine a continuous mode transceiver with the GSM/DECT device of Byrne, suggesting that the Examiner's asserted combination is one of hindsight reconstruction, a practice admonished repeatedly by the Board of Patent Appeals and Interferences. Claim 20 and the claims that depend therefrom are thus patentably distinguished over the art.

#### Discussion of Patentability of Claim 21

Regarding Claim 21, dependent from Claim 20, contrary to the Examiner's assertion, Byrne and/or Beasley fail to disclose or suggest a method in a wireless communications device further comprising "... receiving the second signal with the TDMA receiver at the same time the CDMA transmitter is transmitting the uplink signal" in combination with the limitations of Claim 20. As noted above, there is no motivation in the cited references to combine the CDMA transceiver of Beasley with the GSM/DECT device of Byrne. Claim 21 is thus patentably distinguished over the art.

#### Discussion of Patentability of Claims 22 & 23

Regarding Claim 22, contrary to the Examiner's assertion, Byrne and Beasley fail to disclose or suggest "... transmitting an uncompressed uplink signal with a first transmitter operating in a continuous transmit mode

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... receiving the second signal with the second receiver at the same time the first transmitter is transmitting the uncompressed uplink first signal."

Regarding Claim 23, contrary to the Examiner's assertion, Byrne and Beasley fail to disclose or suggest "... transmitting an uncompressed uplink signal with the CDMA transmitter; receiving the second signal with the TDMA receiver at the same time the CDMA transmitter is transmitting the uncompressed uplink signal."

The prior art does not disclose or suggest transmitting uncompressed uplink signal or an uncompressed CDMA signal while receiving a TDMA signal, since there is no suggestion to combine Byrne and Beasley.

#### Discussion of Patentability of Claims 24-27

Regarding independent Claim 24, contrary to the Examiner's assertion, the prior art fails to disclose or suggest a method in a wireless communications device further comprising

... transmitting with a first transmitter of the first transceiver;

transmitting with a second transmitter of the second transceiver at the same time that the first transmitter is transmitting;

receiving with one of a first receiver of the first transceiver and a second receiver of the second transceiver at the same time the first and second transmitters are transmitting.

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Regarding independent Claim 26, contrary to the Examiner's  
assertion, the prior art fails to disclose or suggest a method in a wireless  
communications device further comprising

5                   ... receiving with a first receiver of the first transceiver;  
                  receiving with a second receiver of the second transceiver at  
                  the same time that the first receiver is receiving;  
                  transmitting with one of a first transmitter of the first  
10                  transceiver and a second transmitter of the second transceiver at  
                  the same time the first and second receivers are receiving.

15                  The prior art does not disclose or suggest a communications  
device that simultaneously transmits with two transmitter while receiving with  
a receiver, or a communications device that simultaneously receives with two  
receivers while transmitting with a transmitter, as recited in Claims 24 and 26,  
respectively. Independent Claims 24 and 26 and the claims that depend  
therefrom are thus patentably distinguished over the art.

20                  Regarding Claims 25 and 27, respectively, the prior fails to  
disclose or suggest "... receiving an uncompressed continuous signal" in  
combination with claims 24 and 26, respectively. Claims 25 and 27 are thus  
patentably distinguished over the art.

25                  In view of the amendments and the discussion above, the Claims  
of the present application are in condition for allowance. Kindly withdraw any  
rejections and objections and allow this application to issue as a United States  
Patent without further delay.

                  The Applicant requests a telephone interview with the Examiner  
in connection with the present response. Kindly contact the undersigned upon

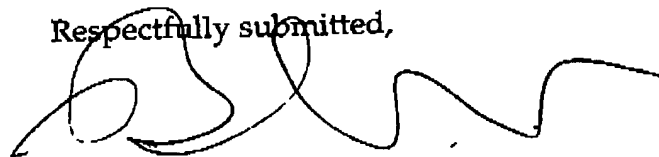
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carefully reviewing the foregoing amendment and discussion, prior to  
preparing an official action in response thereto.

Respectfully submitted,



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## MARKED-UP AMENDED CLAIMS

### In The Claims:

5

1. (Once Amended) A ~~[multi-mode]~~ wireless communications  
device [handset], comprising:

a first transceiver having a first receiver and a first transmitter ~~+~~  
~~the first receiver is a continuous reception mode receiver~~];

10

a first antenna coupled to the first receiver;

a second transceiver having a second receiver and a second  
transmitter;

a second antenna coupled to the second receiver,

15

~~[the multi-mode wireless communication handset for operating  
the first receiver in a continuous reception mode and for simultaneously  
operating the second receiver in a receive mode while the first receiver is  
operating in the continuous reception mode]~~

the first and second transmitters connectable to the same one of  
either of the first and second antennas.

20

Claim 2 has been canceled.

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3. (Once Amended) The ~~[multi-mode]~~ wireless communications device [handset] of Claim 1 [2], the first and second transmitters ~~[coupled to the]~~ disconnectable from the same one of the first and second antennas.

5  
4. (Once Amended) The ~~[multi-mode]~~ wireless communication device of Claim 1, the first receiver is a CDMA receiver, the first ~~[transceiver has]~~ transmitter is a CDMA transmitter, the second receiver is a TDMA receiver, the second transmitter is a TDMA transmitter.

10  
5. (Once Amended) The ~~[multi-mode]~~ wireless communication device [handset] of Claim 1 [2], the first antenna is an internal antenna, the first transmitter coupled to the second antenna, the second antenna is an external  
15 antenna.

6. (Once Amended) The ~~[multi-mode]~~ wireless communication device [handset] of Claim 1 [4, ~~the second receiver is a TDMA receiver, the second transceiver has a TDMA transmitter,~~] a switch coupling the first and second transmitters and the second receiver to the same one of the first and the second antennas.

20  
7. (Once Amended) The ~~[multi-mode device]~~ wireless communication device of Claim 1, a processor coupled to the first and second  
25



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transceivers, a display and input/outputs coupled to the processor [~~a video device coupled to the processor~~].

5 Claim 8 has been canceled.

Claim 9 has been canceled

10

10. (Once Amended) A method in a [~~multi-mode~~] wireless communications device having a first transceiver and a second transceiver, comprising:

15

receiving [~~a first~~] an uncompressed CDMA signal with a first receiver of the first transceiver [~~operating in a continuous reception mode, the first receiver coupled to a first antenna~~];

receiving a second signal with a second receiver of the second transceiver at the same time the first receiver is receiving the uncompressed CDMA signal [~~first signal,~~

20

~~the second receiver coupled to a second antenna different than the first antenna~~].

25

11. (Once Amended) The method of Claim 10,  
[~~receiving an uncompressed downlink first signal with the first receiver;~~]

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receiving the second signal with the second receiver operating in a non-continuous reception mode at the same time the first receiver is receiving the uncompressed CDMA ~~[downlink-first]~~ signal.

5

12. (Once Amended) The method of Claim 10,

the first receiver is CDMA receiver, the second receiver is a GSM receiver,

~~[receiving an uncompressed downlink signal with the CDMA~~

10

~~receiver;]~~

receiving a downlink signal with the GSM receiver at the same time the CDMA receiver is receiving the uncompressed CDMA ~~[downlink first]~~ signal.

15

13. (Once Amended) The method of Claim 10,

the first receiver is CDMA receiver, the second receiver is a TDMA receiver,

~~[receiving an uncompressed downlink signal with the CDMA~~

20

~~receiver;]~~

receiving a downlink signal with the TDMA receiver at the same time the CDMA receiver is receiving the uncompressed CDMA ~~[downlink first]~~ signal.

25

14. (Once Amended) The method of Claim 10,

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~~[receiving a first uncompressed downlink signal with the first receiver]~~

5 receiving a second uncompressed downlink signal with the second receiver operating in a continuous reception mode at the same time the first receiver is receiving the uncompressed CDMA ~~[downlink first]~~ signal.

10 15. (Once Amended) The method of Claim 10,  
the first receiver coupled to a first antenna,  
the second receiver coupled to a second antenna different than the first antenna.

15 the first transceiver includes a first transmitter, the second transceiver includes a second transmitter,  
connecting the first transmitter and the second transmitter to the same one of the first and second antennas.

20 16. (Once Amended) A method in a ~~[multi-mode]~~ wireless communications device having a first transceiver ~~[and a second transceiver],~~  
the method comprising:  
receiving a first signal with a first receiver of the first transceiver ~~[operating in a continuous reception mode],~~  
the first receiver coupled to a first antenna;  
transmitting a second signal with a ~~[second]~~ first transmitter of the ~~[second]~~ first transceiver at the same time the first receiver is receiving the first signal,

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the ~~[second]~~ first transmitter coupled to a second antenna  
different than the first antenna.

5 17. (Once Amended) The method of Claim 16, receiving the first  
signal with the first receiver includes receiving an uncompressed CDMA  
downlink signal ~~[with the first receiver, transmitting the second signal with the~~  
~~second first transmitter at the same time the first receiver is receiving the first~~  
~~uncompressed downlink signal]~~.

10 Claim 18 has been canceled.

15 Claim 19 has been canceled.

20 20. (Once Amended) A method in a ~~[multi-mode]~~ wireless  
communications device having a first transceiver and a second transceiver,  
comprising:

transmitting a first signal with a first transmitter of the first  
transceiver operating in a continuous transmission mode,

the first transmitter coupled to a first antenna;

receiving a second signal with a second receiver of the second

25 transceiver at the same time the first transmitter is transmitting the first signal,

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the second receiver coupled to a second antenna different than the first antenna.

5

23. (Once Amended) The method of Claim 20,

the first transmitter is CDMA transmitter, the second receiver is a TDMA receiver,

transmitting an uncompressed uplink signal with the CDMA transmitter;

10

receiving the second signal with the TDMA receiver at the same time the CDMA transmitter is transmitting the uncompressed uplink signal.